

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Edward J. Kaplan

Serial No.: 10/665,793

Art Unit: 1618

Filed: September 19, 2003

Examiner: Jugadishwar Rao Samala

For: *FLEXIBLE AND/OR ELASTIC BRACHYTHERAPY SEED OR STRAND*

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §1.56 and 37 C.F.R. §1.97, Applicant submits a Supplemental Information Disclosure Statement, including (1) page of Form PTO-1449. Pursuant to the waiver in the notice entitled "Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications Filed After June 30, 2003" published on August 5, 2003 in 1273 OG 55, a copy of the cited U.S. Patent is not enclosed. A copy will be provided upon request, however.

This Supplemental Information Disclosure Statement is being filed under 37 C.F.R. § 1.97(c) after a first Office Action on the merits. It is believed that no fee is required with this submission. However, should a fee be required, the Commissioner is hereby authorized to charge any fees to Deposit Account No. 50-1329.

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DISCLOSURE STATEMENT

Certification Under 37 C.F.R. §1.97 (e)(2)

Each item of information listed below this certification in this Supplemental Information Disclosure Statement was not cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, each item listed below was not known to any individual designated in § 1.56(c) more than three months prior to the filing of this Supplemental Information Disclosure Statement.

U.S. Patents

| <u>Number</u> | <u>Issue Date</u> | <u>Patentee</u> | <u>Class/Subclass</u> |
|---------------|-------------------|-----------------|-----------------------|
| 4,621,638 | 11-11-1986 | Silvestrini | 606/230 |

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Remarks

This statement should not be interpreted as a representation that an exhaustive search has been conducted or that no better art exists. Moreover, Applicant invites the Examiner to make an independent evaluation of the cited art to determine its relevance to the subject matter of the present application. Applicant is of the opinion that his claims patentably distinguish over the art referred to herein, either alone or in combination.

Respectfully submitted,

/Michael J. Terapane/

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